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February 27, 2008

To: The Honorable Members of the Subcommittee on Environment and Hazardous Materials,
Committee on Energy and Commerce, United States House of Representatives

Dear Member of Congress:

In preparation for upcoming consideration by the Subcommittee on Environment and Hazardous Materials of a bill that would ban asbestos-containing products in America, I ask you to consider my thoughts in support of an effective ban.

I must first qualify myself on this topic. I am a successful business executive and entrepreneur, a mechanical engineer by training, a philanthropist, a frequent volunteer in civic causes, and an American who passionately supports the principles upon which this nation was founded.

I am also living with an asbestos-related cancer called malignant peritoneal mesothelioma. I underwent extensive abdominal surgery and chemotherapy in 2004 and additional surgery in 2006. In another year I will have achieved the median survival time for someone with my particular disease and treatment history. I undergo quarterly medical tests to detect the recurrence of this cancer, knowing that it is inevitable.

I'm healthy at the moment, but this killer is a permanent presence in my life. It haunts my dreams and my waking thoughts. I see its image reflected in my wife's eyes. One of my three grown children is married, and another is engaged; knowing that I yearn to see grandchildren, they tell me of their plans to have children, and behind their words is the hope that this knowledge will help me to hang on.

I am resolved to make as much positive difference in the world as I can before I leave it. This is the basis for my plans and activities on a daily basis. My wife's unyielding support makes me uncommonly fortunate.

So I begin with trying to end the ongoing tragedy of asbestos poisoning. Having worked with physicians, scientists, attorneys and advocates in regard to asbestos issues, I consider myself something of a lay expert on the topic.

Asbestos is a naturally occurring poison that is easily spread. It is potentially deadly in any amount or concentration. There is no tracking in the US of where or how this poison enters the commercial stream, either as a product ingredient or as a contaminant. Asbestos is the only highly carcinogenic material that remains seriously under-regulated in the US. Asbestos poisoning is insidious. Decades may pass after exposure, before symptoms become apparent. Diseases are often misdiagnosed and tragically mistreated. Available statistics on incidence and prevalence of asbestos-related disease are open to substantial question, but we know that the numbers are well into the thousands each year. The entire topic is overlaid with the stigma of litigation, which distorts scientific discourse and creates conflict where, fundamentally, there ought to be none: No one should be allowed to profit from poisoning Americans.

Last fall the US Senate passed S 742, the Ban Asbestos in America Act of 2007. Unfortunately, last minute political compromises deprived this bill of its teeth and most of its value, from the perspective of many advocates of a ban. The bill would codify acceptance of a 1% concentration of asbestos in most products on American market shelves. This figure was based on the existing provision of the Toxic Substances Control Act in regard to bulk construction materials, which in turn was developed in the 1970s, based on inexpensive optical microscopy capabilities of the time. This limit is wholly inadequate to prevent deadly poisoning, especially when it would apply even to children's toys. I call your attention to last fall's announcement by the Asbestos Disease Awareness Organization of test results on some household products, including a powder in a popular children's toy, which were found to contain asbestos. It is clear that companies have insufficient incentive to adequately protect even children from exposure to asbestos today. It is also apparent that this nation should not be relying on private donations to non-profits to carry out compliance testing!

No matter what we do today, asbestos poisoning will continue to cause tragedy for decades to come, simply from everyday exposures occurring right now. Our hope and our responsibility to future generations of Americans can be fulfilled only by banning asbestos once and for all, in any form and in any detectable concentration, using the best available measurement technology. Only in this way can we hope to see an eventual end to this tragedy.

I have reviewed the committee draft dated February 15, 2008, which proposes a complete ban on asbestos, with the exception of temporary exemptions for certain products and industries. From my perspective, this version looks significantly stronger than S 742 in relation to its definition and prohibition of asbestos-containing products; constraints on exemptions; provisions for public education, compliance testing, enforcement and avoidance of pre-emption of state laws; the right of appeal; and other administrative details. I am very pleased to see such legislation under consideration. It gives me hope that a true, effective ban can be implemented before my own asbestos-related disease ends my efforts to save other Americans from a similar fate.

Please support a real, enforceable ban on asbestos, one that bans it both as an ingredient and as a contaminant in any product, one that prescribes effective, ongoing compliance testing by the US Government, and one that renders exemptions a repugnant option for potential applicants.

My sincere thanks for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul S. Zygielbaum", with a long horizontal line extending to the right.

Paul S. Zygielbaum